

REMARKS

Applicants respectfully request reconsideration, withdrawal of all grounds of rejection, and allowance of claims 38-40, 43, 45, 47, 51, 54, 63, 68, 77, 113-115, 118, 120, 122, 126, 129, 137, 142 and 151-153.

Applicants further request that the finality of the pending action be withdrawn and prosecution on the merits reopened for the following remarks to be considered.

Applicants have carefully reviewed the final office action mailed January 9, 2004, including the art cited and the grounds given. Applicants respectfully traverse all grounds for rejection for the following reasons.

As set forth in Applicants' Amendment and Response, filed on October 17, 2003 and discussed during a prior telephonic interview, U.S. Patent No. 2,950,725 to Jackie et al ("*Jackie*") fails to anticipate independent claims 38 and 113. In particular, the independent claims recite, in part, selectively directing an acoustic field to at least one nucleation feature located proximate to an active site to impart motion to a constituent in the fluid proximate to said active site. In contrast, *Jackie* discloses passing a work object over the focal zone of the ultrasonic waves such that work object is cleaned by an agitated cleaning solution. Col. 3, lns 46-51. U.S. Patent No. 6,413,783 to Wohlstader, et al. ("*Wohlstader*") fails to cure this deficiency.

The grounds set forth in paragraphs 5 and 6 of the office action fail to address Applicants' argument set out in the response filed October 17, 2003, that *Jackie* fails to teach or suggest "selectively directing an acoustic field to at least one nucleation feature located proximate to an active site to impart motion to a constituent in the fluid proximate to said active site." *Jackie* lacks any teaching of selectively directing an acoustic field at a nucleation site proximate to an active site to impart motion proximate to the active site. Yet this is the explicit subject matter claimed. The inherency argument raised in the instant office action fails to address this argument of Applicants.

As neither *Jackie* nor *Wohlstader* teach or disclose this aspect of the independent claims, and as the pending office action fails to address this issue, Applicants respectfully submit that all pending claims are patentable over the references.

In view of the amendments and remarks previously presented in the response to the office action dated June 5, 2003, Applicants deem that each of the presently pending claims in this application is in condition for allowance.

Applicants respectfully request a telephonic interview with the Examiner prior to any further action on the application in order to discuss the pending claims and references and to further prosecution of the application by resolving any remaining issues.

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Respectfully submitted,

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